

REMARKS

The Applicant wishes to thank the Examiner for thoroughly reviewing and considering the pending application. The Official Action dated May 19, 2005 has been received and carefully reviewed. Claims 1-3, 6-13, 16-21 and 23-25 are currently pending. Reexamination and reconsideration are respectfully requested.

The Office Action indicated that the request to correct the inventorship under 37 C.F.R. 1.48(a) was deficient because it lacked the written consent of the Assignee of one of the originally named inventors. The currently named Assignee of the present invention is in bankruptcy. A Chapter 7 Trustee is currently handling all matters on behalf of the Assignee. At the time of filing the Request for Continued Examination, the Chapter 7 Trustee, Carol Wu, submitted a statement under 37 C.F.R. § 3.73(b) establishing that she is authorized to act on behalf of the Assignee, Oriol Inc. The statement under 37 C.F.R. § 3.73(b) was received by the PTO on January 4, 2005, as evidenced by the attached photocopy of the filing postcard stamped by the PTO on that date. Furthermore, the Applicant submitted a Consent of Assignee under 37 C.F.R. § 1.48(A)(5), executed by the Chapter 7 Trustee, consenting to the correction of inventorship, which was also received by the PTO on January 4, 2005, as evidenced by the attached photocopy of the filing postcard stamped by the PTO. Accordingly, the Applicant submits that the request to correct inventorship includes the proper consent and, therefore, is not deficient for lack of written consent of the assignee.

In addition, the Office Action rejected claims 1-3, 6-13, 16-21, and 23-25 under 35 U.S.C. § 102(f) because the Applicant allegedly did not invent the claimed subject matter. The Applicant traverses the rejection.

The Applicant's representative indicated in the previously filed Request for Correction of Inventorship under 37 C.F.R. § 1.48(a) that the originally named inventor, In-

Kwon Jeong, was to be deleted and the correct inventor, Boris Atlas, was to be added. However, thus far, Mr. Jeong has refused to acknowledge repeated requests to discuss this matter or sign a statement as required under 37 C.F.R. 1.48(a). Therefore, the Applicant's representative has prepared, and is filing concurrently herewith, a petition under 37 C.F.R. § 1.183. This petition is seeking to have the PTO correct the inventorship under 37 C.F.R. § 1.48(a), despite the absence of a statement from Mr. Jeong. A courtesy copy of the Petition is submitted herewith. Accordingly, the Applicant requests that the rejection of the claims under 35 U.S.C. § 102(f) be withdrawn or stayed until the Petitions Office has rendered a decision on this matter.

The application is in a condition for allowance and favorable action is respectfully solicited. If for any reason the Examiner believes a conversation with the Applicant's representative would facilitate the prosecution of this application, the Examiner is encouraged to contact the undersigned attorney at (202) 496-7500. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: 9/29/05

Respectfully submitted,

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